

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re DYNAMIC RANDOM ACCESS
MEMORY (DRAM) ANTITRUST
LITIGATION,

No. M-02-1486 PJH (JCS)

**ORDER DENYING
MOTION TO COMPEL**

This document relates to:

ALL ACTIONS.

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By letter dated May 30, 2006, Direct Purchaser Plaintiffs and Defendants brought to the Court's attention a dispute concerning the discovery of information pertaining to "Plaintiffs' contracts with their DRAM customers, about how Plaintiffs determined the amounts they charged, or about the amounts they charged in relation to what they paid for DRAM." Joint Letter of May 30, 2006, at 1. Having reviewed the arguments of counsel, the Court rules as follows:

Treating the Joint Letter as a motion to compel, it is DENIED. *See In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000). While the Court cautions the parties that while, in general, instructions not to answer on relevance grounds are not permitted by the DISCOVERY PLAN, the objection in question was raised before the DISCOVERY PLAN. Nonetheless, Defendants have waited until after the hearing on class certification to raise the issue with the Court. The Court concludes that any marginal relevance that responses to the questions at issue might have to the Direct Purchaser cases is outweighed by the unnecessary burden this discovery would impose on the parties.

IT IS SO ORDERED.

Dated: June 1, 2006


JOSEPH C. SPERO
United States Magistrate Judge